



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



March , 2002

CERTIFIED MAIL #7099 3400 0018 1299 1944
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Strafford
Route 202A, P.O. Box 23
Center Strafford, NH 03815

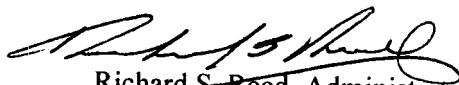
SUBJECT: Administrative Order No. WMD 02-07

Dear Members of the Board:

On February 27, 2002, the Department of Environmental Services (Department) contacted Select Board member Ms. Joann Brown by telephone to discuss the closure of the Town's landfill located off Rickey Nelson Road. Ms. Brown was told that a review of Department files indicated that the Town had not applied for or obtained a landfill permit from the Department. At this point the Department no longer issues permits for unlined landfills. Env-Wm 315.02(d) of the New Hampshire Solid Waste Rules requires, in part, that a Type II permit modification be executed to approve final landfill closure plans. Lacking a permit to modify, the mechanism under which the Department manages and approves the landfill closure project is an Administrative Order.

The Department recognizes and greatly appreciates the efforts the Town has made regarding closure of the municipal landfill and is issuing this Administrative Order simply to resolve the permit issue. Should you have any questions regarding this Administrative Order please contact Mr. Douglas Kemp of the Solid Waste Management Bureau at the address listed above, or by phone at 271-2925 or e-mail at dkemp@des.state.nh.us.

Yours truly,


Richard S. Reed, Administrator
Solid Waste Management Bureau
Waste Management Division

CERTIFIED MAIL #7099 3400 0018 1299 1944

Attachments Administrative Order No. WMD 02-07

cc: J. Patterson, NHDol
Gretchen C. Rule, NHDES Legal Unit
David J. Rousseau, NHDES
Town File/DB

c:/ao/straffao.doc



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



Town of Strafford
Board of Selectmen
Route 202A, P.O. Box 23
Center Strafford, NH 03815

Administrative Order
No. WMD 02-07

March 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to the Town of Strafford pursuant to RSA 149-M:15. This order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. The Town of Strafford ("Town") is a duly-constituted municipality of the State of New Hampshire having a mailing address of Route 202A, P.O. Box 23, Center Strafford, NH 03815.

C. STATEMENT OF FACTS AND LAW

1. RSA 149-M authorizes DES to regulate the management and disposal of solid waste. Pursuant to RSA 149-M:7, the Commissioner of DES has adopted NH Administrative Rules Env-Wm 100-300, 2100 *et seq.* ("Solid Waste Rules") to implement this program.
2. The Town is the owner of the property identified on the Town tax maps as Tax Map 8, Lot 9 ("Property").
3. RSA 149-M:9, I states that "[n]o person shall construct, operate, or initiate closure of a public or private facility without first obtaining a permit from [DES]".
4. RSA 149-M:4, IX defines "facility" as "a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste".

A solid waste disposal facility ("Landfill") exists on the Property

6. A review of DES records has revealed that the Town has not applied for a permit to either operate or close the Landfill.

D. DETERMINATIONS

1. The Town has violated RSA 149-M:9, I by failing to obtain a permit to operate or initiate closure activities at the Landfill.

E. ORDER

Based on the above findings, DES hereby orders the Town as follows:

1. By December 31, 2002, complete closure of the Landfill in accordance with the Solid Waste Rules and final closure design plans submitted by the Town on February 21, 2002 along with any subsequent revision, to be reviewed and approved by DES.
2. After closure, conduct post-closure maintenance and monitoring activities in accordance with the Solid Waste Rules and approved closure design documents.

Please address correspondence to

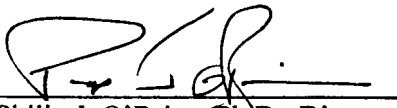
Mr. Richard S. Reed, Administrator
Solid Waste Management Bureau
NHDES, Waste Management Division
6 Hazen Drive
Concord, NH 03301-6509

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve the Town of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 149-M provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. The Town remains obligated to comply with all applicable requirements, in particular RSA 149-M and the New Hampshire Solid Waste Rules. DES will continue to monitor the Town's compliance with applicable requirements and will take appropriate action if additional violations are discovered.



Philip J. O'Brien, Ph.D., Director
Waste Management Division



George Dana Bisbee, Assistant Commissioner
Department of Environmental Services

GDB/PJO/KWM/RSR/dwk/c:/ao/straffao.doc
CERTIFIED MAIL/RRR/# 7099 3400 0018 1299 1944

J. Patterson, NHDoJ
Gretchen C. Rule, NHDES Legal Unit
Town File/DB